

- 07 - 744 -

ORIGINAL

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District
Name <u>DENNIS A. ELLIOTT</u>	Prisoner No. <u>120 206</u>	Case No. <u>N/A</u> <u>FAMILY COURT</u>
Place of Confinement <u>HOWARD R YOUNG CORRECTIONAL INSTITUTION</u>		
Name of Petitioner (include name under which convicted) <u>DENNIS ANTHONY ELLIOTT</u>		Name of Respondent (authorized person having custody of petitioner) <u>FAMILY COURT: STATE OF DELAWARE (CIVIL CT)</u>
The Attorney General of the State of: <u>DELAWARE</u>		

PETITION

- Name and location of court which entered the judgment of conviction under attack FAMILY COURT (ST. OF DEL.) 500 N. KING STREET WILM. DE 19801
- Date of judgment of conviction September 09, 2007 ← ?? date:
- Length of sentence Weekends Plummer House (NO LENGTH OF SENTENCE)
- Nature of offense involved (all counts) CHILD SUPPORT ARREARS, OWED TO THE STATE OF N.J. FROM 1992. FAILURE TO REPORT TO PLUMMER CENTER ON WEEKENDS BY ORDER DELAWARE FAMILY COURT, STARTING SEPT. 16, 2007
- What was your plea? (Check one)
 - (a) Not guilty ☐
 - (b) Guilty ☐
 - (c) Nolo contendere ☒

It you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:
WAS NO PLEA, FAMILY COURT UPON ITS OWN ACCORD SENTENCED - PETITIONER TO WEEKENDS AT PLUMMER HOUSE FOR MOMIES OWED TOWNS
- If you pleaded not guilty, what kind of trial did you have? (Check one)
 - (a) Jury ☐
 - (b) Judge only ☒
- Did you testify at the trial?
Yes ☐ No ☒
- Did you appeal from the judgment of conviction?
Yes ☐ No ☒

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9. If you did appeal, answer the following:

(a) Name of court N/A(b) Result N/A(c) Date of result and citation, if known N/A(d) Grounds raised N/A

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court N/A(2) Result N/A(3) Date of result and citation, if known N/A(4) Grounds raised N/A

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court N/A(2) Result N/A(3) Date of result and citation, if known N/A(4) Grounds raised N/A

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court N/A(2) Nature of proceeding N/A(3) Grounds raised N/A

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result

N/A

(6) Date of result

N/A

(b) As to any second petition, application or motion give the same information:

(1) Name of court

N/A

(2) Nature of proceeding

N/A

(3) Grounds raised

N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result

N/A

(6) Date of result

N/A

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☒(2) Second petition, etc. Yes ☐ No ☒

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

FAMILY COURTS A CIVIL CASE, ALSO
 SINCE FAMILY COURT OF DEL. IS INCARCERATE
 ING FOR MONIES OWED TO ANOTHER STATE,
 ITS A FEDERAL ISSUE, ON CONSTITUTION ISSUES.

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- ☒ (i) Denial of effective assistance of counsel.
- ☒ (j) Denial of right of appeal.

A. Ground one: Filed for Court Appointed Attorney
Before being Released for HRYC Institution
Prayer to Hearings in Sept. 07
 Supporting FACTS (state briefly without citing cases or law): ON Record with
PROthonotary Office, Petitioner states HIS
MOTION for Court Appointed Counsel
was before Family Court Hearings in Sept.
07., Family Court Judge claim she had
not received any Petition, two days
after Hearing Petitioner received notice
of Appointment after Hearings.

B. Ground two: Family Court HAS NOT been given Authority
by State Government for Incarceration for money
 Supporting FACTS (state briefly without citing cases or law): owed to Another
State. Petitioner HAS
upon Extensive Research, ~~has~~ failed
to find any State, either House or Senate,
+ or Governor's, law giving Family Court
Authority to Incarcerate for monies owed
Another State, as Phummer House is
a State Facility

C. Ground three: NO Right for Appeal

Supporting FACTS (state briefly without citing cases or law): There's no

APPEAL OF INCARCERATION by family
COURT ENFORCEMENT FOR MONIES OWED
TO ANOTHER STATE.

D. Ground four: Petitioner had no legal
~~Repre~~ REPRESENTATION AT HEARINGS.

Supporting FACTS (state briefly without citing cases or law): Petitioner INQUIRED
AT HEARINGS ABOUT APPOINTMENT OF
COUNSEL. COURT JUDGE CLAIMED THAT
PETITIONER HAD NOT FILED FOR ONE. ALL
SHE HAD TO DO WAS CALL THE PROTHONOTARY
OFFICE, TO VERIFY, THAT INDEED A MOTION
WAS FILED BEFORE THE HEARING

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: _____

N/A

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
 Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing _____

N/A

(b) At arraignment and plea _____

N/A

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(c) At trial

N/A

(d) At sentencing

N/A

(e) On appeal

N/A

(f) In any post-conviction proceeding

N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding

N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

N/A

(b) Give date and length of the above sentence:

N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☒ No ☐

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

PRO-se

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

11/07/07

(date)

Dennis A. Elliott

Signature of Petitioner